255 Mulberry St.
Rochester, NY 14620
December 13, 1993

William Johnson, Mayor-Elect
c/o Urban League of Rochester
265 N. Clinton Ave.
Rochester, NY 14620

Re: Gay Alliance of Genesee Valley v. City Assessor
Rochester

Dear Mr. Johnson:

As counsel for the Gay Alliance of Genesee Valley, I wa pleased to read in the Democrat and Chronicle last week that yo agree with our position that the City of Rochester should not hav appealed Justice Siracuse's decision that granted the GAGV property tax exemption. Unfortunately, for reasons that remai unexplained, the City's current administration chose to push a appeal of the decision in its final weeks.

As you may know, the appeal in this matter was argued befor the Appellate Division, Fourth Department on November 30, 1993. I is expected that no decision will be issued until mid-January 199 By then, of course, you will have been confirmed as Mayor.

Given the overlapping timing of your confirmation and th appeal, the GAGV has authorized me to suggest that you or you representative meet with us as soon as possible to discuss possible settlement of this matter. If we can agree upon satisfactory settlement within the next few weeks, we can sign th settlement and have the appeal withdrawn immediately after you a confirmed as Mayor, and before the Fourth Department issues i decision.

While we believe Justice Siracuse's decision will be upheld appeal, a pre-decision settlement will benefit all parties. Fr the City's standpoint, the benefit of a settlement is threefol First, assuming the GAGV will prevail, there will not be a high court decision finding against the City that can be used appellate court precedent against Rochester and other cities in t future. Secondly, assuming the GAGV will not prevail, a settleme would preclude a GAGV appeal to the New York Court of Appeal leading to extra work and expense for all parties. Third, believe that a settlement of the case by your new administrati would be favorably publicized by the media and well received by t public.

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As you may know, the appeal in this matter was argued before the Appellate Division, Fourth Department on November 30, 1993. It is expected that no decision will be issued until mid-January 1993. By then, of course, you will have been confirmed as Mayor.

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While we believe Justice Siracuse's decision will be upheld on appeal, a pre-decision settlement will benefit all parties. From the City's standpoint, the benefit of a settlement is threefold. First, assuming the GAGV will prevail, there will not be a higher court decision finding against the City that can be used as appellate court precedent against Rochester and other cities in the future. Secondly, assuming the GAGV will not prevail, a settlement would preclude a GAGV appeal to the New York Court of Appeals, leading to extra work and expense for all parties. Third, I believe that a settlement of the case by your new administration would be favorably publicized by the media and well received by the public.

From the GAGV's standpoint, even though we fully expect to prevail on the appeal (and if we don't, we intend to appeal from the decision), it is trite but true that a bird in the hand is worth two in the bush. Stated differently, even though a victory in the appeal would be gratifying, the GAGV cannot hope for a better decision than that issued by Justice Siracuse.

I understand completely that putting your administration into place and preparing for your first days as Mayor is of far higher priority than settling a case that is simply awaiting a decision. However, if you have the time and inclination to pursue this proposal further, please call me, or have your representative call me, as soon as possible. I can be reached at 454-6500 during the day.

Regardless of whether we meet in this regard, the GAGV Board and I greatly appreciate your public remarks about the lawsuit, and look forward to working with you in the coming years.

Very truly yours,

Ellen M. Yacknin
Staff Attorney

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cc: Lloyd Gray, President